

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL NO. 19-1306 JB

LAWRENCE SALAZAR,

Defendant.

ORDER

THIS MATTER having come before the Court upon the motion of the United States to continue the trial setting of September 3, 2019, the Court, having reviewed the motion, finds:

1. The parties recently reached a plea agreement, have requested a change of plea setting, and anticipate attending a change of plea hearing imminently.
2. While the parties expect that this case will resolve through a guilty plea, should the plea unexpectedly fall through, the parties will need to resume trial preparation.
3. The Defendant does not oppose this request, is not in custody, and will be not prejudiced by a continuance of the trial setting.
4. This is the second request for a continuance.

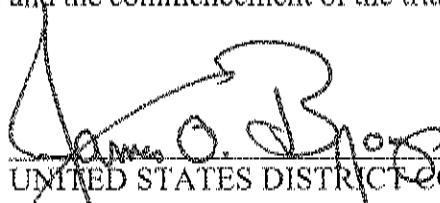
Pursuant to 18 U.S.C. § 3161(h)(8)(A), this request for a continuance is in the best interest of justice and outweighs the best interests of the defendant and the public in a speedy trial. Pursuant to 18 U.S.C. § 3161(h)(1)(G) and (h)(7)(B)(iv), a continuance will allow for the parties to effectuate the plea agreement that they have negotiated and, should the plea fall through, reasonable time necessary for effective preparation, taking into account the exercise of diligence. The parties request that the Court find pursuant to 18 U.S.C. § 3161(h)(7)(A) that, if Court grants

this motion, all the time from the date of the order granting the continuance to the new jury trial setting be excluded for the purposes of the Speedy Trial Act.

Pursuant to 18 U.S.C. § 3161(h)(7)(A) such time between the Speedy Trial deadline and the commencement of the trial should be excluded for purposes of the Speedy Trial Act because the ends of justice that would be served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED THAT the motion to continue the trial setting of September 3, 2019, is granted and that the trial setting be vacated until September 9, 2019 at 9 A.M.

IT IS FURTHER ORDERED THAT pursuant to 18 U.S.C. § 3161(h)(7)(A) such time between the Speedy Trial deadline and the commencement of the trial shall be excluded for purposes of the Speedy Trial Act..


James O. Breyer
UNITED STATES DISTRICT COURT JUDGE

SUBMITTED BY:

Filed Electronically
HOLLAND S. KASTRIN
Assistant United States Attorney

After weighing the best interests of the public and of the Defendant with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendant for the reasons stated in the motion requesting a continuance, filed August 21, 2019 (Doc. 20). Specifically, finalization of plea negotiations, outweighs the Defendant's and the public's interest in a speedy trial. See 18 U.S.C. Section 3161(h)(7). The pretrial motion deadline is September 3, 2019. The Court will set the trial for September 9, 2019 (trailing docket). This 10 day continuance is sufficient, without being greater than necessary, for the Defendant to complete the tasks set forth in the motion to continue.)

If it appears
or was necessary, he who
is to judge, in due season,
advised my self
8/29/19

On the eighth record
before the Ct., the Ct.
is not bound by it at all
but the trial goes on
30 100
8/29/19